

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT RECEIVED
21 SEP 2004

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	17 SEP 2004
Applicant's or agent's file reference 642682C		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AU2004/001083	International filing date (day/month/year) 13 August 2004	Priority date (day/month/year)	13 August 2003
International Patent Classification (IPC) or both national classification and IPC Int. Cl. 7 H04L 9/32, G06K 9/00			
Applicant SECURICOM (NSW) PTY LTD et al			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer SUSHIL AGGARWAL Telephone No. (02) 6283 2192
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001083

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
 - paid additional fees
 - paid additional fees under protest
 - not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
 - complied with
 - not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked to form a single general inventive concept. In coming to this conclusion, the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-32, and 34 relate to providing secure access to a controlled item wherein a transmitter subsystem receives a biometric signal from a biometric sensor, matches it against members of a database of biometric signatures and emits a secure access signal comprising at least one of a rolling code, an encrypted Bluetooth protocol, and a WiFi protocol, which is received by a receiver subsystem to provide conditional access to the controlled item.
2. Claim 33 relates to a computer program product having a code for populating a database of biometric signatures.
3. Claim 35 relates to a computer program product having a code for receiving a transmitted secure access signal and providing conditional access to a controlled item dependent upon said signal.
4. Claims 36-41 relate to providing secure access wherein a transmitter transmits information using a secure wireless signal dependent upon a request from a user and the authentication of the user identity by a biometric sensor and a control panel for receiving the information and for providing the secure access.

The above groups of inventions are not so linked as to form a single general inventive concept, that is, a 'technical relationship' between the inventions, as defined in PCT Rule 13.2 does not exist. Hence, the application does not relate to one invention or to a single inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- all parts
- the parts relating to claims Nos.

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-34, 36-41	YES
	Claims 35	NO
Inventive step (IS)	Claims NONE	YES
	Claims 1-41	NO
Industrial applicability (IA)	Claims 1-41	YES
	Claims NONE	NO

2. Citations and explanations:

Following documents were cited in the International Search Report:

D1: US 2003/0051173 A1

D2: WO 2001/071462 A2

D3: US 6219439 B1

NOVELTY (N): Claim 35

Claim 35 can not be considered novel as each of the above cited documents discloses the features of the above claim.

INVENTIVE STEP (IS): Claims 1-41

Claims 1-32, 34, 36-41

D1 discloses a method of connecting a user to a computer wherein a biometric sample is transmitted via a wireless link to an authentication gateway. The sample is compared with samples stored in a biometric database and following the authentication, one or more codes are transmitted to the computer so that the user can access the computer. The claimed invention differs from the citation in the feature that the access signal from the transmitter comprises one of a rolling codes, an encrypted Bluetooth protocol and a WiFi protocol, which can not be considered inventive.

D2 discloses a method of accessing a secure database in a mobile device wherein a biometric sample from the device is transmitted to a server for authentication using Bluetooth specifications. At the server, the sample is compared with samples stored in a biometric database, and following the authentication, a code is transmitted using Bluetooth specifications to the mobile device to unlock the secure database. The claimed invention differs from the citation in the way transmitter and receiver systems are arranged, which can not be considered inventive.

Claim 33

D1 and D2 individually disclose a biometric database. Claim 33 only defines routine steps to populate a database and hence can not be considered to involve an inventive step.

Claim 35

As above

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International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 29 is not fully supported by the description, as it omits the feature that the secure access signal comprises one of a rolling codes, an encrypted Bluetooth protocol and a WiFi protocol.
2. In claim 30 (line 7), 'receiving a biometric sensor by biometric signal' lacks clarity.

A similar comment also applies to claim 34 (line 5).